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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Sackstein

Serial No.: 09/619,290

Group Art Unit: 1646

Filed: July 19,2000

Examiner: Not assigned

For: SULFATION-INDEPENDENT L-SELECTIN OR E-SELECTIN LIGAND (HCELL)  
AND THERAPEUTICS THEREOF

Attorney Docket No.: 0152.00378

DECLARATION

I Amy E. Rinaldo, being duly sworn, do hereby state that:

1. I am the attorney representing the University of South Florida.
2. That the University must preserve the rights of the parties in order to prevent irreparable damage. The filing of the application was necessary in order to prevent irreparable damage.

The undersigned declare further all statements made herein of his knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_  
January 14, 2001

  
Amy E. Rinaldo



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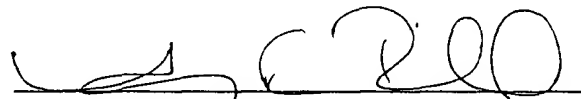
I Amy E. Rinaldo, being duly sworn, do hereby state that:

1. I am the attorney representing the University of South Florida.
2. That the University has both policies and procedures for inventions and works.
3. The University of South Florida has exercised the authority conferred in Section 240.229 and 240.241 of the Florida Statutes by adopting Rule 6C4-10.012 and the Statement of Policy.
4. In accordance with Rule 6C4-10.012 and the Collective Bargaining Agreement between the Board of Regents State University System of Florida and the United Faculty of Florida (BOR/UFF) and the Board of Regents/Graduate Assistants Union-United Faculty of Florida Agreement (BOR/GAU-UFF), an invention or work made in the course of University-supported effort, as in the present situation, is the property of the University.

5. The policy set forth in Rule 6C4-10.012 and the BOR/UFF and BOR/GAU-UFF Agreements constitutes an understanding that is binding on the University, University employees, students, and other persons as a condition of their employment by the University and/or the use of University support.
6. University employees and their inventors/authors are required to execute all documents necessary to implement the terms of the referenced Rule and Agreements including, but not limited to, invention and copyright disclosures, assignments, reports, and applications. Therefore, the University of South Florida does have sufficient proprietary interest in the subject matter.

The undersigned declare further all statements made herein of his knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_  
January 14, 2001

  
Amy E. Rinaldo



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DECLARATION

I Wendy L. Davis, being duly sworn, do hereby state that:

1. I was involved in attempting to obtain Dr. Robert Sackstein's signature.
2. I am an employee of the University of South Florida.
3. On July 25, 2000 the Office of Patents and Licensing at my request forwarded the Assignment and Declaration and Power of Attorney to Dr. Robert Sackstein via regular mail to the following address: Massachusetts General Hospital, c/o Transplantation Biology Research Center, MGH East, Bldg. 149, Room 5102, 13<sup>th</sup> Street, Boston, MA 02129.
4. On September 22, 2000, when no response had been received from Dr. Robert Sackstein, we again forwarded the Assignment and Declaration and Power of Attorney to Dr. Robert Sackstein via fax with a request that Dr. Sackstein respond ASAP.

5. On March 22, 2001, when still no response had been received, we sent the Assignment and Declaration and Power of Attorney via overnight UPS to the following address: Massachusetts General Hospital, c/o Transplantation Biology Research Center, MGH East, Bldg. 149, Room 5102, 13<sup>th</sup> Street, Boston, MA 02129.

6. On April 11, 2001 we received a letter from Dr. Sackstein dated April 10, 2001 with the unsigned Assignment and Declaration and Power of Attorney. The letter stated that he would not sign the Assignment and Declaration and Power of Attorney per the advisement of his attorney and that he would not appoint either Amy E. Rinaldo or Kenneth I. Kohn to represent any transactions related to this matter. Also included was a change of address.

7. On April 12, 2001 we received a faxed copy of the letter discussed above.

8. On November 15, 2001 the Assignment and Declaration and Power of Attorney was again forwarded to Dr. Sackstein at the following address: Harvard Medical School, Harvard Institutes of Medicine, 77<sup>th</sup> Avenue, Louis Pasteur, Room 671, Boston, MA 02115. Also sent on this date was an electronic mail message advising Dr. Sackstein that the Assignment and Declaration and Power of Attorney were being sent to him yet again.

9. On November 16, 2001 we received an electronic mail response from Dr. Sackstein advising that he cannot sign anything "expeditiously" without prior review by both his and BWH attorneys and that we should have provided more lead-time for items requiring expeditious signature.

USSN 09/044,604  
Attorney Docket No. 0994.00084

10. At this time we have not heard anything further from Dr. Sackstein regarding his intent to sign the necessary paperwork.

The undersigned declare further all statements made herein of his knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: January 14, 2001  
January 14, 2001

  
Wendy L. Davis



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Robert Sackstein

Serial No. 09/619,290

Group Art Unit: 1646

Filed: 07/19/00

Examiner: Unknown

For: SULFATION-INDEPENDENT L-SELECTIN OR  
E-SELECTIN LIGAND (HCELL) AND THERAPEUTICS  
THEREOF

Attorney Docket No: 0152.00378

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**DECLARATION OF AMY E. RINALDO**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Sir:

I, Amy E. Rinaldo, being duly sworn, do hereby state that:

1. I am one of the attorneys representing the University of South Florida regarding the above-captioned patent application.

2. On July 19, 2000 a copy of the application as filed as well as the Assignment and Declaration were sent to the University of South Florida, which then forwarded the same to Dr. Sackstein per the University's standard procedures.

3. On March 22, 2001, the Assignment and Declaration were sent overnight via UPS to Dr. Sackstein at Massachusetts General Hospital, c/o Transplantation Biology Research Center, MGH East, Building 149, Room 5102, 13<sup>th</sup> Street, Boston, MA 02129.

4. On April 11, 2001, a letter was received by the University of South Florida from Dr. Sackstein stating that he would not sign the Assignment and Declaration of Attorney after being advised by his attorney and that he would not appoint Amy E. Rinaldo or Kenneth I. Kohn to represent any transactions related to the above-referenced patent application. Dr. Sackstein also advised of his new address of Harvard Medical School, Harvard Institutes of Medicine, 77<sup>th</sup> Avenue, Louis Pasteur, Room 671, Boston, MA 02115. A follow-up letter was forwarded to the University of Florida on April 12, 2001.

5. On November 15, 2001 the Assignment and Declaration were again forwarded to Dr. Sackstein at his new address of Harvard Medical School, Harvard

Institutes of Medicine, 77<sup>th</sup> Avenue, Louis Pasteur, Room 671, Boston, MA 02115. These documents were also sent via electronic mail.

6. On November 16, 2001, Dr. Sackstein sent a return electronic mail to the University of South Florida advising that he cannot sign anything "expeditiously" without prior review by his attorneys and that more lead time for expeditious items was needed.

7. On July 24, 2002, I sent via facsimile and regular mail, a letter to Dr. Robert Sackstein, enclosing a Declaration and Power of Attorney for his execution.

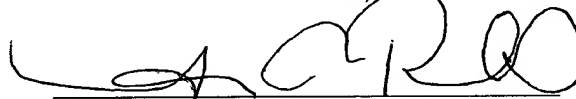
8. On July 24, 2002, the University of South Florida forwarded via regular mail, the Declaration and Power of Attorney, together with an Assignment for execution to Dr. Sackstein at his address located at Massachusetts General Hospital, c/o Transplantation Biology Research Center, MGH East, Building 149, Room 5102, 13<sup>th</sup> Street, Boston, MA 02129.

9. On September 22, 2002, the University of South Florida again forwarded the Declaration and Assignment to Dr. Sackstein via facsimile.

Applicants have met the six requirements outlined in the Decision Refusing Status Under 37 CFR 1.47(b). Therefore, Applicants request reconsideration of the decision regarding status in the above-referenced patent application.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

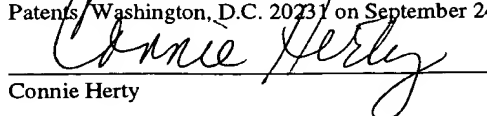


Amy E. Rinaldo  
Registration No. 45,791  
30500 Northwestern Highway  
Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050

Dated: September 24, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 24, 2002.

  
Connie Herty